

"That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times, according to the mode prescribed in this Constitution, the unalienable right to alter, reform or abolish their form of government in such manner as they may deem expedient."

Now between that article and the 43d article of the present Constitution there is no inconsistency whatever. That 43d article declares:

"That this Constitution shall not be altered, changed or abolished except in the manner therein prescribed and directed."

But if you adopt this first article here as it now stands, without amendment, and then adopt the 44th article of this report, you have two inconsistent declarations coming from precisely the same authority and declared by the same people; who declare in the one that "they have at all times the unalterable right to alter, reform or abolish their form of government in such manner as they may deem expedient;" and then, in the other, that this form of government, "this Constitution, shall not be altered, changed or abolished except in the manner therein prescribed and directed." Now I say that is an inconsistency from which this Convention in some way must make its escape. Now, according to my view of the case, I would strike out altogether the latter part of this first article, and leave it to stand as it did in the old bill of rights of 1776, simply a declaration against monarchical forms of government, "that all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." I would have it to stand there, resting this revolutionary right, about which so much has been said, upon the 5th article in the present bill of rights, which declares and asserts, as the Declaration of Independence declared and asserted, the right of revolution. But if this Convention is to adopt this article as it now stands in this report, they must either adopt the amendment offered by the gentleman from Somerset (Mr. Jones)—first offered by the gentleman from Calvert (Mr. Briscoe) and then withdrawn—or they must strike out entirely the 44th article of their own report. The revolutionary right is inserted here in terms broad enough, it seems to me, for any practical purpose, in this 5th article, which provides:

"That all persons invested with the legislative or executive powers of government, are the trustees of the public, and as such, accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may and of right ought to reform the old or establish a new government."

There I rest the right of revolution; and I would say that unless the people of the State go under the 5th article of this bill of rights, when the government becomes so oppressive that public liberty is manifestly endangered, they have no revolutionary right whatever. If they wish to change their form of government in any other manner, in peaceful times, when there is no oppression, or danger to public liberty, and the majority of the people think they can make a better Constitution, which will work more to the advantage of the whole people of the State, and some peaceful mode is pointed out by which the change may be made, then I say let the mode prescribed in the 44th article of the bill of rights—and as the Committee on Amendments to the Constitution ought and probably will provide—let that be the mode and that alone, of amending and altering the Constitution; the mode prescribed by itself.

My view, therefore, is that we should strike out altogether the last clause of this first article, and let the first clause remain; and then let the 44th article provide that the people may change their Constitution in the manner therein prescribed and directed. These are the views which I entertain upon this subject. I hope, however, if the article is to be adopted as reported, it will be adopted with the amendment submitted by the gentleman from Somerset, (Mr. Jones,) or some other amendment to the same effect.

On motion of Mr. DANIEL,
The Convention then adjourned.

EIGHTEENTH DAY.

TUESDAY, May 24th, 1864.

The Convention met at 12 M.

Prayer by the Rev. Mr. McNamar.

Present at the call of the roll the following members:

Messrs. Goldsborough, President; Abbott, Annan, Audoun, Baker, Belt, Berry of Prince George's, Billingsley, Blackiston, Bond, Briscoe, Brown, Carter, Chambers, Clarke, Crawford, Cunningham, Cushing, Dale, Daniel, Davis of Charles, Davis of Washington, Delinger, Dennis, Earle, Ecker, Edelen, Gallo-way, Greene, Harwood, Hatch, Hebb, Henkle, Hodson, Hoffman, Hollyday, Hopkins, Hopper, Horsey, Johnson, Jones of Cecil, Jones of Somerset, Keefer, Kennard, King, Lansdale, Larsh, Mace, Marbury, Markey, McComas, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Peter, Pugh, Purnell, Robinette, Russell, Sands, Schley, Scott, Smith of Carroll, Smith of Dorchester, Smith of Worcester, Sneary, Stirling, Stockbridge, Swope, Sykes, Thomas, Thruston, Todd, Valliant, Wickard, Wilmer, Wooden—83.

The journal of yesterday was read and approved.